

Page 7

REMARKS

Claims 1-27 are pending in the current application and currently stand rejected. Claims 1 and 20-23 have been amended. Applicant respectfully traverses.

I. Claim Rejections Under 35 U.S.C. 112

The Examiner has rejected Claims 1-19 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges the limitation "permanently fixed at a location" is not disclosed in the specification. In response applicant submits that the specification states:

"FIGS. 8-13 illustrate a preferred embodiment of a board 108 used to form an integral binder front cover 40', binder rear cover 42', spine 48' and hinges 44' and 46' that is of one-piece, unitary and homogenous construction. In a preferred embodiment, the board 108 is constructed of a fibrous material, such as, preferably kraftboard or the like. **Each cover 40' and 42' has a plurality of spaced apart binder anchors 110 and 112, each of which preferably is a perforation or bore that extends completely through its respective cover.**" (emphasis added)
paragraph 37

Applicant respectfully disagrees with the examiners assertion. The specification as stated above include the disclosure of "binder anchors". A standard web dictionary (www.dictionary.com) defines "anchor" as:

Page 8

"2. any similar device for holding fast or checking motion:" Furthermore, the specification discloses:

"FIG. 13 illustrates another preferred aspect of the invention where the binder anchors 110 and 112 of one cover 42' are spaced farther away from a centerline 122 of the spine 48' than the binder anchors 110 and 112 of the other cover 40'. In the preferred embodiment shown in FIG. 13, the distance, d.sub.1, between anchors 110 and 112 of cover 42' is greater than the distance, d.sub.2, between anchors 110 and 112 of cover 40'. In one preferred embodiment, d.sub.1 is between one-quarter inch and three-quarters of an inch greater than d.sub.2 such that one binder 66 is offset relative to the other binder 68 a like amount. In one preferred embodiment, the offset is about one-half inch such that the difference between d.sub.1 and d.sub.2 is about one-half inch. As a result of this offset, where the binder arrangement 30 is a dual opposed binder arrangement, the binders 66 and 68 do not directly overlie one another when the binder arrangement 30 is closed. Such an offset advantageously facilitates closing the binder arrangement 30 without the binders 66 and 68 interfering with each other or closure of the binder arrangement."

(emphasis added) paragraph 40

Applicant submits that notwithstanding the Examiner assertion that rivets can be removable, the specification clearly contemplates fixing the binders in a particular and specifically defined location permanently. The capability to remove the binders would be in opposition to the disclosure requiring that the binders are affixed by anchors and that the binders are located in specific locations.

Moreover, the specification discloses covering the binder in fabric;

Page 9

“In a preferred embodiment, the binder arrangement 30 includes an integral case 38 that is equipped with a covering that can be, for example, ballistic nylon or the like. To help increase durability, the covering overlies both sides of each cover 40 and 42 and the spine 48. The covering preferably is attached to a board 108, such as by stitching, an adhesive, fasteners, or a combination thereof. A band is attached to the spine 48 and carries the handle 50 and both strap loops 52 and 54 while preferably reinforcing the spine 48. The band preferably is attached to the spine 48 using stitching, an adhesive, fasteners or the like.” (paragraph 49)

Clearly the fabric covering, as depicted in Figure 1 covers the binder anchors thereby preventing the removal of the rivets and thus binders.

Reconsideration is respectfully requested.

The Examiner further alleges that the limitation “extreme boundary” is not disclosed in the specification. In response, applicant has amended Claim 1. Reconsideration is respectfully requested.

Claim Rejection under 35 U.S.C. 102

The Examiner has rejected Claims 1-3 under 35 U.S.C. 102 as being anticipated by DE 43 39 929 C1 to Lehnert. (hereinafter Lehnert)

The Lehnert reference discloses a ring file binder system for receiving documents, where the ring file arrangements of the ring mechanism is designed with sliding configuration and provided with variable distances in relation to the edge of the cover. Lehnert discloses that the arrangement of the ring mechanisms is variable within the provided guide slots.

Page 10

“Somit kann ein Mehrfach-Ringordner aufgebaut werden, von dem verschiedene handbuchartig aufgebaute Sätze von Schriftgut unterschiedlichen Formates aufgenommen werden können, wobei die Gestaltung der Anordnung der Ringmechanismen variabel und durch die Führung der Nuten bzw.” (col. 1, lines 60-68 also see figure 3)

translated in part as:

“whereby the organization of the arrangement of the ring mechanisms variable and by the guidance of the slots...” (translated by www.worldlingo.com)

It is therefore clear that the reference requires a variable position for the rings which the Examiner admits in section 4 of the outstanding office action, stating “Lehnert discloses in Fig. 2, a binder arrangement wherein a set of binders can be placed at any desirable arrangement location on the cover as desired by the end user” as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Reconsideration is respectfully requested.

Dependent Claims

Claims 2-19 and 24-27 being dependent on an allowable base claim are thus allowable therewith.

Claim Rejection under 35 U.S.C. 103

Claims 1-5 and 25-27 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lepisto in view of Lehnert. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the

Page 11

current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Lepisto fails to cure the deficiencies of Lehnert and therefore neither Lehnert, Lepisto alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lehnert. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings in contrast to the permanently attached binders of the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Furthermore Lehnert contains no teaching or suggestion to permanently attach the binders, and in fact teaches away from that limitation. Therefore Lehnert does not anticipate, teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 6-9 and 21 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lehnert in view of Zimbelman. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Zimbelman fails to cure the deficiencies of Lehnert and therefore neither Lehnert, Zimbelman alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 6-9 and 21 further stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lepisto in view of Lehnert and Zimbelman. Applicant respectfully

Page 12

traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Lepisto and Zimbelman fails to cure the deficiencies of Lehnert and therefore neither Lehnert, Lepisto or Zimbelman alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 1 and 10-12 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lehnert in view of Moor. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Moor fails to cure the deficiencies of Lehnert and therefore neither Lehnert, Moor alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 1 and 10-12 and 22-24 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lepisto as modified by Lehnert in view of Moor. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Lepisto and Moor fail to cure the deficiencies of Lehnert and therefore neither Lehnert, Lepisto or Moor alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claims 13-19 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lepisto in view of Lehnert and further in view of Welch. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Lepisto and Welch fail to cure the deficiencies of Lehnert and therefore neither Lehnert, Lepisto or Moor alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

Claim 20 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Lehnert in view of Delaire et. Al. Applicant respectfully traverses. As stated above Lehnert requires a variable position for the rings as opposed to the current invention as claimed by amended independent claims 1 and 20-23, and as such is not anticipated by Lehnert. Delaire fails to cure the deficiencies of Lehnert and therefore neither Lehnert, Delaire alone or in combination teach or suggest the current invention in accordance with the amended independent claims 1 and 20-23. Thus claims 1 and 20-23 and the claims dependent thereon are patentable over the cited references. Reconsideration is respectfully requested.

As the prior art references fail to disclose, teach or suggest the combination of features as claimed, Applicant respectfully requests that the Examiner reconsider the rejections in view of the remarks above. Applicant respectfully solicits allowance of this application.

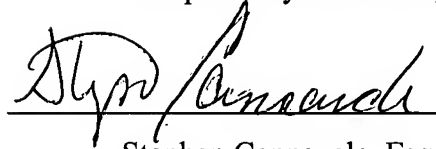
It is Applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not be resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Application No.: 10/816,362
Amendment and Response dated July 7, 2006
Docket No. 1668-5 RCE

Page 14

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen Cannavale", is written over a horizontal line.

Stephen Cannavale, Esq.
Registration No. 44,585
Attorney for Applicants

Law Office of Stephen Cannavale
3 Hanlan Road
Caldwell, New Jersey 0706
(201) 303-0782